

Introduced by Senator Karnette

February 21, 2003

An act to amend Sections 2550, 2557, and 2558 of, and to add Section 2551.6 to, the Streets and Highways Code, and to amend Sections 2421.5, 2430.1, 2430.2, 2435, and 2436 of, and to repeal Sections 2437, 2438, 2439, and 2440 of, the Vehicle Code, relating to streets and highways.

LEGISLATIVE COUNSEL'S DIGEST

SB 795, as introduced, Karnette. Motorist aid program.

(1) Existing law establishes a system of call boxes along the California Freeway and Expressway System for motorists to obtain assistance. Existing law also authorizes a county to establish a service authority for freeway emergencies.

This bill would authorize a service authority to use its funding for purposes of a motorist aid program to include other motorist aid services in addition to the call box system. The bill would require the Department of Transportation and the Department of the California Highway Patrol to perform duties relative to the motorist aid program.

(2) Existing law establishes the Emergency Roadside Assistance Advisory Committee to recommend training standards for designated providers of emergency roadside services.

This bill would abolish that committee.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 2550 of the Streets and Highways Code is amended to read:

2550. (a) The Legislature declares that its intent in enacting this chapter is to encourage the ~~placement~~ *implementation* of ~~call boxes~~ *a motorist aid program* along the California Freeway and Expressway System to enable motorists in need of aid to obtain assistance. ~~However, it is not intended that a motorist aid system of call boxes be considered an emergency telephone system.~~

(b) *It is the further intent of the Legislature that a service authority, as described in Section 2551, use its funding for a motorist aid program, including, but not limited to, a call box system, freeway service patrol, incident management activities, and any other motorist aid service the service authority deems appropriate. The service authority may prioritize its funding of the activities in the motorist aid program.*

SEC. 2. Section 2551.6 is added to the Streets and Highways Code, to read:

2551.6. A service authority may agree to operate the freeway service patrol in the county or region in which the service authority was created.

SEC. 3. Section 2557 of the Streets and Highways Code is amended to read:

2557. (a) ~~Except as provided in subdivisions (c) and (d) subdivision (e), the moneys received by each authority pursuant to subdivision (b) of Section 9250.10 of the Vehicle Code shall be used for the implementation, maintenance, and operation of a motorist aid system of program, including, but not limited to, a call boxes, including the lease or lease purchase of facilities and equipment for the system, on the portions of the California Freeway and Expressway System and a county expressway system, and, in counties with a population of over 6,000,000 persons, the unincorporated county roads in that county, and on state highway routes that connect segments of these systems, which are located within the county in which the authority is established. The Department of Transportation and the Department of the California Highway Patrol shall each review and approve plans for implementation of a motorist aid system proposed for any state highway route and shall be reimbursed by~~

1 ~~the service authority for all costs incurred.~~ box system, freeway
2 service patrol, incident management activities, and any other
3 motorist aid program or service deemed appropriate by the
4 authority. The authority may prioritize the funding of these
5 activities.

6 (b) The authority shall obtain review by and concurrence of, the
7 Department of Transportation and the Department of the
8 California Highway Patrol for motorist aid program
9 implementation plans and major amendments to an existing
10 motorist aid plan. This process shall be conducted in accordance
11 with the procedures and criteria in the "CHP/Cal Trans Call Box
12 and Motorist Aid Guidelines." The department, the Department of
13 the California Highway Patrol, and authority shall prepare the
14 guidelines as a collaborative, consensual activity.

15 (c) The motorist aid program shall be consistent with the
16 transportation plan for the region.

17 (d) An authority or any other public entity may construct and
18 maintain, and lease or lease-purchase on terms and conditions it
19 deems appropriate, the facilities of a motorist aid-system program
20 or it may contract with a private person or entity to do so.

21 ~~(e)~~

22 (e) If leases or lease-purchase agreements are entered into
23 pursuant to subdivision (a), or if revenue bonds are issued and sold
24 pursuant to Section 2558, the moneys received by each authority
25 pursuant to subdivision (b) of Section 9250.10 of the Vehicle Code
26 shall be used to the extent necessary to make lease payments or to
27 pay the principal of, and interest on, the amount of bonded
28 indebtedness outstanding, as the case may be. Facilities and
29 equipment acquired through the expenditure of proceeds from the
30 sale of those bonds shall have a useful life at least equal to the term
31 of the bonds.

32 ~~(d) (1) Any money received by an authority pursuant to~~
33 ~~subdivision (b) of Section 9250.10 of the Vehicle Code which~~
34 ~~exceeds the amount needed for full implementation and ongoing~~
35 ~~costs to maintain and operate the motorist aid system of call boxes,~~
36 ~~installed pursuant to subdivision (a), may be used for purposes of~~
37 ~~paragraph (2) and for additional motorist aid services or support,~~
38 ~~including, but not limited to, the following safety-related projects:~~

39 ~~(A) Changeable message signs.~~

40 ~~(B) Lighting for call boxes.~~

1 ~~(C) Support for traffic operations centers.~~

2 ~~(D) Contracting for removal of disabled vehicles from the~~
3 ~~traveled portion of the right-of-way.~~

4 ~~(2) Any amendment to an existing plan for a motorist aid~~
5 ~~system adopted by an authority for any state highway route shall,~~
6 ~~prior to implementation, be submitted to the Department of~~
7 ~~Transportation and the Department of the California Highway~~
8 ~~Patrol for review and approval and shall not be implemented until~~
9 ~~so reviewed and approved. The authority shall reimburse each~~
10 ~~department for the costs of that review.~~

11 ~~(e) —~~

12 *(f) The authority may implement a motorist aid call box system.*
13 *The authority may install call boxes on the portions of the*
14 *California Freeway and Expressway System and on county roads*
15 *in rural, unincorporated areas of the county and on state highway*
16 *routes that connect segments of these systems, if they are located*
17 *within the county in which the authority is established and the*
18 *Department of the California Highway Patrol has law*
19 *enforcement responsibility over them. The authority may contract*
20 *with the department or a private entity to answer calls from the*
21 *motorist aid call boxes and for any other activity related to the*
22 *motorist aid call box system, as mutually agreed by the department*
23 *and the authority. A motorist aid system of call boxes shall not be*
24 *considered an emergency telephone system.*

25 *(g) An authority may develop policies for the retention of*
26 *records, including, but not limited to, authority operations,*
27 *contracts, and programs, and the length of the retention period.*

28 ~~(f)~~

29 *(h) A motorist aid call box system constructed, maintained, or*
30 *operated pursuant to this section by the authority shall meet the*
31 *applicable standards of Title II of the Americans with Disabilities*
32 *Act of 1990 (Public Law 101-336) and federal regulations adopted*
33 *pursuant thereto.*

34 SEC. 4. Section 2558 of the Streets and Highways Code is
35 amended to read:

36 2558. (a) Subject to subdivision (b), a service authority may
37 issue revenue bonds pursuant to Chapter 6 (commencing with
38 Section 54300) of Division 2 of Title 5 of the Government Code,
39 or Chapter 5 (commencing with Section 4950) of Part 3 of
40 Division 5 of the Health and Safety Code, as nearly as practicable,

for the implementation and maintenance of a motorist aid system of call boxes program and shall pledge revenues to be received from fees referred to in Section 2555 as security for the payment of principal or of interest or other amounts due on those revenue bonds. In addition, a service authority ~~which~~ *that* has entered into one or more leases or lease-purchase agreements for facilities of a motorist aid system program may also pledge, as security for the payment of amounts due under the lease or agreements, revenues to be received from those fees. The pledge of revenues provided for in this subdivision shall be a first and prior lien and, without any action other than the adoption by the members of a resolution providing for the pledge, the lien of the pledge shall attach and become perfected as to each fee imposed pursuant to Section 9250.10 of the Vehicle Code as and when the fee becomes due and payable. However, if a service authority has, at the same time, existing obligations under one or more issues of revenue bonds, one or more leases or lease-purchase agreements, or both, the respective priorities of the liens of pledges of revenue shall be determined on the basis of the respective dates on which resolutions providing for those pledges were adopted, with the highest priority being accorded the pledge of revenues provided for in the earliest of those resolutions. Bond proceeds shall not be used for operation of a motorist aid system of call boxes.

(b) A service authority may issue revenue bonds for each county within its jurisdiction ~~only during the two-year period immediately following the start of the collection of a fee imposed pursuant to Section 2555 for that county.~~

SEC. 5. Section 2421.5 of the Vehicle Code is amended to read:

2421.5. (a) When any Service Authority for Freeway Emergencies has imposed additional fees on vehicles pursuant to Section 2555 of the Streets and Highways Code, the authority may contract with the department or a private entity to handle calls ~~in accordance~~ *originating from the authority's motorist aid call box system.*

(b) ~~(1) If the contract is with the department, its terms shall comply with the contract the requirements specified in subdivision (b) paragraph (2) for the system on the portions of the California Freeway and Expressway System; and, in counties with a population of over 6,000,000 persons, the unincorporated on~~

1 county roads ~~of that~~ *in rural, unincorporated areas of the county;*
2 and on state highway routes that connect segments of ~~the system~~
3 ~~these systems, which if they are located within the county in which~~
4 ~~the authority is established and over which the Department of the~~
5 ~~California Highway Patrol has law enforcement responsibility~~
6 ~~over them. The authority, with the concurrence of the department,~~
7 ~~shall approve or deny any contract permitted by this section, and~~
8 ~~establish appropriate performance standards for contracts, as~~
9 ~~required under subdivision (b), which shall be adhered to by the~~
10 ~~contractor. The service authority shall reimburse the department~~
11 ~~for all costs incurred under this section.~~

12 ~~(b)~~

13 (2) The contract shall contain guidelines, ~~as determined by~~
14 ~~jointly agreed to between the authority and the department,~~
15 following consultation with the authority, for services to be
16 provided, including, but not limited to, reporting requirements,
17 immediate transfer of emergency calls and traffic management
18 information to the department, computer interface capability with
19 the department, performance standards, and coordination with the
20 eligible tow service providers. ~~Contract services shall be at no cost~~
21 ~~to the state, nor shall the department or state incur any liability for~~
22 ~~the actions of the contractors.~~

23 (c) *If the contract is with a private entity, the authority shall*
24 *ensure that the specifications in the “CHP/Cal Trans Call Box and*
25 *Motorist Aid Guidelines” are met and coordinate with the*
26 *department to determine which calls will be transferred to it for*
27 *response. The authority shall reimburse the department for all*
28 *costs incurred under this subdivision in accordance with the*
29 *“CHP/Cal Trans Call Box and Motorist Aid Guidelines.” If an*
30 *authority has a contract with a private entity having a*
31 *commencement date of July 1, 2003, or prior, the performance*
32 *standards of those contracts shall remain in effect until*
33 *modifications are made to the applicable sections of the statewide*
34 *guidelines.*

35 (d) *The authority may contract with the Department of the*
36 *California Highway Patrol to perform duties as mutually agreed*
37 *by the parties.*

38 SEC. 6. Section 2430.1 of the Vehicle Code is amended to
39 read:

2430.1. As used in this article, each of the following terms has the following meaning:

(a) “Tow truck driver” means a person who operates a tow truck, who renders towing service or emergency road service to motorists while involved in freeway service patrol operations, pursuant to an agreement with a regional or local entity, and who has or will have direct and personal contact with the individuals being transported or assisted. As used in this subdivision, “towing service” and “emergency road service” have the same meaning as defined in Section 2436.

(b) “Employer” means any person or organization ~~which~~ *that* employs those persons defined in subdivision (a), or who is an owner-operator who performs the activity specified in subdivision (a), and who is involved in freeway service patrol operations pursuant to an agreement or contract with a regional or local entity.

(c) “Regional or local entity” means any public organization established as a public transportation planning entity pursuant to Title 7.1 (commencing with Section 66500) of the Government Code or authorized to impose a transaction and use tax for transportation purposes by the Public Utilities Code *or an established motorist aid authority such as the service authority for freeway emergencies described in Section 2551 of the Streets and Highways Code.*

(d) “Emergency road service” has the same meaning as defined in Section 2436.

(e) “Freeway service patrol” has the same meaning as defined in Section 2561 of the Streets and Highway Code.

SEC. 7. Section 2430.2 of the Vehicle Code is amended to read:

2430.2. ~~(a)~~ “Regional or local entity,” as defined by subdivision (c) of Section 2430.1, also includes the transportation planning entity established pursuant to Section 130050.1 of the Public Utilities Code *or an established motorist aid authority such as the service authority for freeway emergencies described in Section 2551 of the Streets and Highways Code.*

~~(b) This section shall become operative only if Article 3.3 (commencing with Section 2430) is added to this chapter during the first year of the 1991–92 Regular Session.~~

SEC. 8. Section 2435 of the Vehicle Code is amended to read:

1 2435. (a) The Legislature finds and declares that the
2 emergency roadside assistance provided by highway service
3 organizations is a valuable service ~~which~~ *that* benefits millions of
4 California motorists. The Legislature further finds and declares
5 that emergency roadside assistance is provided statewide, in
6 cooperation with, and shares resources with, public safety
7 agencies. The Legislature also finds that the Department of the
8 California Highway Patrol, in cooperation with the Department of
9 Transportation, is responsible for the rapid removal of
10 impediments to traffic on highways within the state and that the
11 Department of the California Highway Patrol may enter into
12 agreements with employers for freeway service patrol operations
13 under an agreement or contract with a regional or local entity. ~~The~~
14 ~~Legislature declares that it is in the public interest to establish~~
15 ~~minimum standards for the emergency roadside assistance~~
16 ~~provided, or contracted for, by highway service organizations or~~
17 ~~operated under an agreement with a regional or local entity. The~~
18 ~~Legislature also declares that it is necessary to increase the public~~
19 ~~input into the development of minimum standards, and for that~~
20 ~~reason is creating an Advisory Committee to provide advice on the~~
21 ~~standards.~~ The Legislature declares that it is important to the
22 public safety that drivers who provide emergency roadside service
23 not have criminal records ~~which~~ *that* include violent crimes
24 against persons.

25 (b) The Legislature also declares that the Department of the
26 California Highway Patrol, in cooperation with the Department of
27 Transportation, shall be responsible for establishing the minimum
28 training standards for highway service organization employees
29 and employers who participate in freeway service patrol
30 operations pursuant to an agreement or contract with a regional or
31 local entity.

32 SEC. 9. Section 2436 of the Vehicle Code is amended to read:

33 2436. For the purposes of this article, each of the following
34 terms has the meaning given in this section:

35 (a) ~~“Committee” means the Emergency Roadside Assistance~~
36 ~~Advisory Committee.~~

37 ~~(b) “Emergency road service” is the adjustment, repair, or~~
38 ~~replacement by a highway service organization of the equipment,~~
39 ~~tires, or mechanical parts of a motor vehicle so as to permit it to~~
40 ~~be operated under its own power. “Towing service” is the drafting~~

1 or moving by a highway service organization of a motor vehicle
2 from one place to another under power other than its own.

3 ~~(e)~~

4 (b) “Emergency roadside assistance” means towing service or
5 emergency road service.

6 ~~(d)~~

7 (c) “Employer” has the same meaning as defined in Section
8 2430.1.

9 ~~(e)~~

10 (d) “Freeway service patrol” has the same meaning as defined
11 in Section 2561 of the Streets and Highways Code.

12 ~~(f)~~

13 (e) “Highway service organization” means a motor club, as
14 defined by Section 12142 of the Insurance Code and, in addition,
15 includes any person or organization ~~which~~ that operates or directs
16 the operation of highway service vehicles to provide emergency
17 roadside assistance to motorists, or any person or organization
18 ~~which~~ that is reimbursed or reimburses others for the cost of
19 providing emergency roadside assistance, and any employer and
20 ~~include~~ includes any person or organization ~~which~~ that directly or
21 indirectly, with or without compensation, provides emergency
22 roadside assistance.

23 ~~(g)~~

24 (f) “Regional or local entity” has the same meaning as defined
25 in Section 2430.1.

26 ~~(h)~~

27 (g) “Tow truck driver” has the same meaning as defined in
28 Section 2430.1.

29 SEC. 10. Section 2437 of the Vehicle Code is repealed.

30 ~~2437. (a) The committee is hereby created. The committee~~
31 ~~shall comprise 10 members which reflect the ethnic and cultural~~
32 ~~diversity of California, and shall be appointed as follows:~~

33 ~~(1) The commissioner shall appoint one person representing~~
34 ~~law enforcement agencies who shall serve as the committee~~
35 ~~chairperson and the person who is the Chairperson of the~~
36 ~~California Service Authority for Freeway Emergencies~~
37 ~~Committee.~~

38 ~~(2) The Governor, or his or her designee, shall appoint four~~
39 ~~persons representing the general public, one person representing~~

~~highway service organizations, and one person representing towing service organizations.~~

~~(3) The Speaker of the Assembly shall appoint one person representing the general public.~~

~~(4) The Senate Committee on Rules shall appoint one person representing the general public.~~

~~(b) The committee shall function during the two-year period of the project and shall submit its recommendations to the commissioner on or before July 1, 1994. Those recommendations shall be included in the report submitted to the Legislature pursuant to subdivision (b) of Section 2430. The meetings of the committee shall be public and shall be noticed.~~

~~(c) The existence of the committee shall terminate on July 1, 1994, at which time the commissioner shall succeed to the powers and duties of the committee.~~

SEC. 11. Section 2438 of the Vehicle Code is repealed.

~~2438. (a) The committee shall recommend standards of training to be provided to each tow service or emergency road service dispatcher and tow service employee providing emergency roadside assistance employed by, or under contract with, a highway service organization.~~

~~(b) Training shall include, but not be limited to, all of the following:~~

~~(1) Call evaluation.~~

~~(2) Courtesy.~~

~~(3) Dealing with panic.~~

~~(4) Special populations, such as the young, the elderly, and handicapped persons.~~

~~(5) Evaluation of motorist safety.~~

~~(6) Use of the "911" emergency telephone number.~~

~~(c) Training, other than that required by Section 2436.5, may be conducted by emergency roadside assistance organizations or their trade organizations or local law enforcement agencies.~~

SEC. 12. Section 2439 of the Vehicle Code is repealed.

~~2439. The committee shall recommend guidelines for the enhancement of motorist safety setting forth procedures for telephone dispatchers, tow truck drivers, and highway service organizations that reimburse service recipients for emergency roadside assistance. The guidelines shall include, but not be limited to, all of the following:~~

1 ~~(a) Enumeration of the order of response priority for~~
2 ~~dispatching emergency roadside assistance to various types of~~
3 ~~roadside emergencies requiring either towing service or~~
4 ~~emergency road service.~~

5 ~~(b) Time frame response guidelines for highway service~~
6 ~~organizations for responding to various categories of assistance~~
7 ~~requests, including those emanating from freeways, rural areas,~~
8 ~~and unsafe areas.~~

9 ~~(c) A process for highway service organizations to establish a~~
10 ~~series of safe “pickup points” in appropriate locations, such as~~
11 ~~parking lots and structures. The process shall include soliciting the~~
12 ~~recommendations of local law enforcement agencies.~~

13 ~~(d) A requirement that, when giving instructions to motorists,~~
14 ~~the safety of the motorist shall be of primary consideration.~~

15 ~~(e) Guidelines for emergency roadside assistance services for~~
16 ~~which reimbursement is provided.~~

17 SEC. 13. Section 2440 of the Vehicle Code is repealed.

18 ~~2440. Not later than May 15, 1993, and each May 15~~
19 ~~thereafter, every highway service organization and employer shall~~
20 ~~submit a report to the commissioner showing, for the preceding~~
21 ~~year, the number of calls for emergency roadside assistance~~
22 ~~received and responded to, the range of response times, and a~~
23 ~~summary of the types and numbers of safety-related complaints~~
24 ~~received from motorists regarding their employees response to, or~~
25 ~~failure to respond to, motorist’s requests for emergency roadside~~
26 ~~assistance during freeway service patrol operations.~~

